

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

AMANDA J. THRALL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 01-1042
)	
WESTERN MISSOURI MEDICAL CENTER,)	
)	
Defendant.)	

ANSWER OF DEFENDANT WESTERN MISSOURI MEDICAL CENTER

COMES NOW Defendant Western Missouri Medical Center, by and through its attorney Reid F. Holbrook of Holbrook, Heaven & Osborn, P.A., and for its Answer to Plaintiff's Complaint states as follows:

Defendant denies each and every allegation contained in Plaintiff's Complaint unless specifically admitted herein.

Defendant has insufficient information to either admit or deny the allegations in paragraphs 1, 5, and 7 of Plaintiff's Complaint and therefore Defendant denies the same.

As to paragraph 2, Defendant states that it is a county hospital organized and existing pursuant to the laws of the states of Missouri. Defendant denies the remainder of the allegations in this paragraph.

Defendant admits paragraphs 3, 4, and 6 of Plaintiff's Complaint.

Defendant denies the allegations in paragraph 8 of Plaintiff's Complaint.

Count I

As to paragraph 9, Defendant hereby incorporates its answers to paragraphs 1 through 8 as set forth above.

Defendant denies the allegations in paragraphs 10, 11, and 12 of Plaintiff's Complaint.

Count II

As to paragraph 13, Defendant hereby incorporates its answers to paragraphs 1 through 12 as set forth above.

Defendant denies the allegations in paragraphs 14, 15, 16, and 17.

AFFIRMATIVE DEFENSES

This defendant asserts that plaintiff's Petition fails to state a claim against this defendant upon which relief may be granted.

This defendant specifically denies that plaintiff sustained any damages as a result of any alleged act of this defendant. However, in the event that damages are assessed against this defendant, said damages must be limited by the application of R.S.Mo. ' 538.210. Such damages, if any must further be reduced by the amount of any released person's or entity's equitable share of the total obligation pursuant to R.S.Mo. ' 538.230.

This defendant asserts as an affirmative defense, the doctrine of sovereign immunity pursuant to ' 536.600 R.S.Mo.

Defendant asserts that it based its decision to terminate plaintiff on legitimate, nondiscriminatory reasons.

Plaintiff has failed to exhaust the administrative process and remedies available to her.

Plaintiff has failed to mitigate her damages.

Defendant reserves the right to assert any and all affirmative defenses which may become available and apparent during the course of discovery.

WHEREFORE, having fully answered plaintiff's Petition, this defendant prays for judgment in its favor, for costs and attorneys fees incurred in defending this action and for such other and further relief as the Court deems just and equitable.

HOLBROOK, HEAVEN & OSBORN, P.A.

BY: s/Reid F. Holbrook
Reid F. Holbrook, MO #40380
Lawrence J. Logback, MO#46552
757 Armstrong, P.O. Box 171927
Kansas City, KS 66117
(913) 342-2500
(913) 342-0603 facsimile

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICEError! Bookmark not defined.

I do hereby certify that a true and correct copy of the foregoing
document was transmitted electronically and mailed, first class, postage
prepaid, this 11th day of January, 2002.

David White
Jacqueline Sexton
Foland & Wickens
911 Main Street, Suite 2900
Kansas City, Missouri 64105

/s/Reid F. Holbrook

Reid F. Holbrook